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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/807,790 | 04/18/2001 | Petr Peterka | GIC-558 | 4617 |

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GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED
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| EXAMINER |
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FISH, JAMIESON W

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| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/807,790 | Applicant(s) PETERKA ET AL. | |
| | Examiner Jamieson W. Fish | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims **1-21** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims **1** and **21** are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al (US 6,157,411).
4. Regarding claim **1**, Williams teaches a television set-top terminal, comprising: a computer readable medium having computer program code means; and means for executing said computer program code means to implement an Application Programming Interface (API), wherein: the API is adapted to abstract system information (SI) in a digital television transport stream that is received by the terminal in any one of a plurality of different formats; and the API provides the abstracted SI in a generic format that is suitable for use by an application at the terminal regardless of the specific format in which the SI is provided (See Col. 3 lines 64-67, Col. 4 lines 1-12, Col. 5 lines 52-67, Col. 6 lines 1-27, Col. 10 lines 31-57 The System Control Agent, an set of software routines written in C++, receives entertainment system data in different digital broadcast source specific formats and translates them into a unitary format. This generic data is accessed by applications through an API).

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5. Regarding claim **21**, claim **21** is a method claim corresponding to the apparatus of claim 1. Therefore, claim **21** is analyzed in accordance with claim 1.

Claim Rejections - 35 USC § 103

6. Claims **2-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (US 6,157,411) in view of Nandikonda et al (US 6,314,111).

7. Regarding claim **2-19** Williams is silent about the specific functions provided by his API. However, as discussed in the previous Office Action Nanikonda teaches an API with all the claimed limitations. Since API's and software are modular, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams so that the API included the claimed limitations as taught by Nandikonda to provide the user greater control of the set top box.

8. Claim **20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (US 6,157,411) in view of Evain.

9. Regarding claim **20**, Williams teaches wherein: the API is implemented for abstracting the SI (See Col. 3 lines 64-67, Col. 4 lines 1-12, Col. 5 lines 52-67, Col. 6 lines 1-27, Col. 10 lines 31-57). Williams fails to disclose where the API is implemented using a plurality of different packages and different applications at the terminal include only specific ones of the packages according to specific portions of the abstracted SI that each application requires. However, having an API that is implemented using a plurality of different packages with different applications including specific packages is well known in the art as taught by Evain (See Fig. 3, Fig. 5, and Page 4 Applications. Applications in this STB are functions that require different application specific software

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resources (APIs/packages)). In light of the teaching from Evain, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify William's API as claimed in claim 20 in order to make an API that is flexible and easily extendible (See Evain Page 6 Evolution).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 10-26-2005


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600